

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

Rockingham County

10th Circuit - District Division - Hampton

**State v. DESTINIE L BERARD**

**441-2024-CR-00353**

**ORDER APPROVING PART OF HEARING OFFICER MURRAY'S ORDER AND AMENDING  
PRIOR ORDERS IN THIS CASE AS FOLLOWS**

The Court reviewed the recommendations of Judicial Referee and retired Judge Scott Murray. It also reviewed the June 26, 2024 Order by Judge Christo and the July 9, 2024 Order by Judge Zaino. The Court approves the orders of Judicial Referee Scott Murray. The Court issues the following additional orders in hopes of expediting resolution of the case.

First, the Court modifies the orders issued to date relating to the required Request for Counsel Form to make it easier for the Defendant to meet the Court's requirement on this issue (meaning amending the orders by Judge Christo and Zaino) as follows:

The Court reviewed the language contained in Defendant Destine Berard's previously submitted and sealed financial affidavit added by the Defendant to the Court form under Remakes Section 8 of the form. While the language may be relevant in a pleading it is not relevant in the financial affidavit submitted. Unfortunately, in adding that language Ms. Berard either removed or used a different form that does not contain certain required language from the relevant Court form, NHJB-4044-DSSUPe(03/01/2024), the Request for Counsel form. The missing language included specifically an actual request for court appointed counsel, language indicating that if convicted she may have to pay the state back for services (in the case of a misdemeanor that may be up to \$300.00 unless the Court finds she is unable to pay at the end of the case). The Court form also contains language on how she might appeal such a determination. Finally, Ms. Berard removed a necessary verification, which among other relevant acknowledgments, includes her understanding that any false statements made on the form is actually punishable as perjury. This language is necessary to insure the veracity of the form.

The contents of Ms. Berard's form submitted if verified indicate that the Defendant qualifies for Court appointed counsel. It states that [REDACTED]

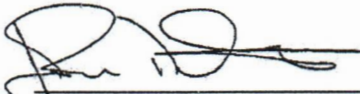
To assist the Defendant, the Court amends prior orders to indicate that if the Defendant prefers she may simply supplement her prior financial affidavit by submitted a request to supplement the prior Financial Affidavit, which includes the required language under Section 8, on page 2 of 2 on form NHJB-4044-DSSUPe(03/01/2024), along with her signature indicating among other things she is signing acknowledging that her representations are true and correct to the best of her knowledge and belief, and that she is aware they are made subject to penalties of perjury if false.

The Court as to the Defendant's Motion for Court Appointed Private Counsel at State Expense, shall schedule that for a hearing as soon as practical.

So Ordered,

7/16/2024

Date

  
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Judge John Pendleton